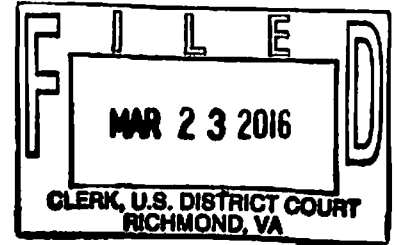


IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division



JAIME LUEVANO,

Plaintiff,

v.

Civil Action No. 3:16CV143

EMERGENCY UNIT FOR THE
MARSHAL SERVICES,

Defendant.

MEMORANDUM OPINION

Jaime Luevano, a Texas inmate, submitted this civil action and applied to proceed in forma pauperis. Although Luevano labeled the action as a emergency writ, "the settled rules [provide] that habeas corpus relief is appropriate only when a prisoner attacks the fact or duration of confinement, see Preiser v. Rodriguez, 411 U.S. 475 (1973); whereas, challenges to the conditions of confinement that would not result in a definite reduction in the length of confinement are properly brought" by some other procedural vehicle. Olajide v. B.I.C.E., 402 F. Supp. 2d 688, 695 (E.D. Va. 2005) (emphasis omitted) (internal parallel citations omitted) (citing Strader v. Troy, 571 F.2d 1263, 1269 (4th Cir. 1978)). Here, Luevano advances no coherent challenge to his convictions or sentence, but complains about someone tampering with his mail. Accordingly, the Court will treat the matter as a civil rights action.

With respect to proceeding in forma pauperis, the pertinent statute provides:

In no event shall a prisoner bring a civil action [in forma pauperis] if the prisoner has, on 3 or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury.

28 U.S.C. § 1915(g). Luevano "is very well known for abusing the process of the federal courts and has filed numerous prior federal actions (over 30 in the Fifth Circuit alone), a number of which have been dismissed as frivolous or for failure to state a claim." Luevano v. James, No. 11-0524-BAJ-CN, 2011 WL 4578345, at *1 (M.D. La. Sept. 9, 2011) (citations omitted). Luevano's current complaint does not demonstrate that he is in imminent danger of serious physical harm.

Accordingly, this Court will dismiss the action without prejudice to Luevano's refiling of the action accompanied by the full \$400.00 filing fee.

The Clerk of the Court is directed to send a copy of this Memorandum Opinion to Luevano.

It is so ORDERED.

/s/ REP
Robert E. Payne
Senior United States District Judge

Date: March 23, 2016
Richmond, Virginia